

(b) Preserve such reports and statements (either in original form or in facsimile copy by microfilm or otherwise) filed under the Act for a period of 2 years from the date of receipt, except that reports and statements that can be accessed and duplicated electronically from the Commission need not be so preserved;

(c) Make the reports and statements filed available as soon as practicable (but within 48 hours of receipt) for public inspection and copying during office hours and permit copying of any such reports or statements by hand or by duplicating machine, at the request of any person except that such copying shall be at the expense of the person making the request and at a reasonable fee;

(d) Compile and maintain a current list of all reports and statements or parts of such reports and statements pertaining to each candidate; and

(e) If the State has received a waiver of these filing requirements pursuant to §108.1(b), allow access to and duplication of reports and statements covered by that waiver, except that such access and duplication shall be at the expense of the person making the request and at a reasonable fee.

[45 FR 15117, Mar. 7, 1980, as amended at 65 FR 15224, Mar. 22, 2000]

**§108.7 Effect on State law (2 U.S.C. 453).**

(a) The provisions of the Federal Election Campaign Act of 1971, as amended, and rules and regulations issued thereunder, supersede and preempt any provision of State law with respect to election to Federal office.

(b) Federal law supersedes State law concerning the—

(1) Organization and registration of political committees supporting Federal candidates;

(2) Disclosure of receipts and expenditures by Federal candidates and political committees; and

(3) Limitation on contributions and expenditures regarding Federal candidates and political committees.

(c) The Act does not supersede State laws which provide for the—

(1) Manner of qualifying as a candidate or political party organization;

(2) Dates and places of elections;

(3) Voter registration;

(4) Prohibition of false registration, voting fraud, theft of ballots, and similar offenses;

(5) Candidate's personal financial disclosure; or

(6) Application of State law to the funds used for the purchase or construction of a State or local party office building to the extent described in 11 CFR 300.35.

[45 FR 15117, Mar. 7, 1980, as amended at 67 FR 49119, July 29, 2002]

**§108.8 Exemption for the District of Columbia.**

Any copy of a report required to be filed with the equivalent officer in the District of Columbia shall be deemed to be filed if the original has been filed with the Secretary or the Commission, as appropriate.

[45 FR 15117, Mar. 7, 1980, as amended at 61 FR 6095, Feb. 16, 1996]

**PART 109—COORDINATED AND INDEPENDENT EXPENDITURES (2 U.S.C. 431(17), 441a(a) and (d), AND PUB. L. 107-155 SEC. 214(c))**

Sec.

**Subpart A—Scope and Definitions**

109.1 When will this part apply?

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**Subpart B—Independent Expenditures**

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- 109.32 What are the coordinated party expenditure limits?
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- 109.36 Are there circumstances under which a political party committee is prohibited from making independent expenditures?
- 109.37 What is a “party coordinated communication”?

AUTHORITY: 2 U.S.C. 431(17), 434(c), 438(a)(8), 441a, 441d; Sec. 214(c) of Pub. L. 107–155, 116 Stat. 81.

SOURCE: 68 FR 451, Jan. 3, 2003, unless otherwise noted.

**Subpart A—Scope and Definitions**

**§ 109.1 When will this part apply?**

This part applies to expenditures that are made independently from a candidate, an authorized committee, a political party committee, or their agents, and to those payments that are made in coordination with a candidate, an authorized committee, a political party committee, or their agents. The rules in this part explain how these types of payments must be reported and how they must be treated by candidates, authorized committees, and political party committees. In addition, subpart D of part 109 describes procedures and limits that apply only to payments, transfers, and assignments made by political party committees.

**§ 109.2 [Reserved]**

**§ 109.3 Definitions.**

For the purposes of 11 CFR part 109 only, agent means any person who has actual authority, either express or implied, to engage in any of the following activities on behalf of the specified persons:

- (a) In the case of a national, State, district, or local committee of a polit-

ical party, any one or more of the activities listed in paragraphs (a)(1) through (a)(5) of this section:

- (1) To request or suggest that a communication be created, produced, or distributed.

- (2) To make or authorize a communication that meets one or more of the content standards set forth in 11 CFR 109.21(c).

- (3) To create, produce, or distribute any communication at the request or suggestion of a candidate.

- (4) To be materially involved in decisions regarding:

- (i) The content of the communication;

- (ii) The intended audience for the communication;

- (iii) The means or mode of the communication;

- (iv) The specific media outlet used for the communication;

- (v) The timing or frequency of the communication; or,

- (vi) The size or prominence of a printed communication, or duration of a communication by means of broadcast, cable, or satellite.

- (5) To make or direct a communication that is created, produced, or distributed with the use of material or information derived from a substantial discussion about the communication with a candidate.

- (b) In the case of an individual who is a Federal candidate or an individual holding Federal office, any one or more of the activities listed in paragraphs (b)(1) through (b)(6) of this section:

- (1) To request or suggest that a communication be created, produced, or distributed.

- (2) To make or authorize a communication that meets one or more of the content standards set forth in 11 CFR 109.21(c).

- (3) To request or suggest that any other person create, produce, or distribute any communication.

- (4) To be materially involved in decisions regarding:

- (i) The content of the communication;

- (ii) The intended audience for the communication;

- (iii) The means or mode of the communication;